

Congress of the United States
Washington, DC 20515

March 15, 2018

The Honorable Ken Calvert
Chairman
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
2007 Rayburn HOB
Washington, DC 20515

The Honorable Betty McCollum
Ranking Member
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
1016 Longworth HOB
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

During your Subcommittee's consideration of the FY 2019 Interior, Environment and Related Agencies Appropriations bill, we respectfully request that you include the following language related to the Environmental Protection Agency's (EPA) standards for ground-level ozone promulgated under the Obama Administration:

"SEC. _____. The final rule issued by the Administrator of the Environmental Protection Agency entitled "2015 National Ambient Air Quality Standards (NAAQS) for Ozone" (80 Fed.Reg. 65292 (October 26, 2015)) is repealed, and any regulation or policy revised by that rule shall be applied as if that rule had not been issued.

As you are aware, EPA initially established national ambient air quality standards for ground-level ozone in 1971, and subsequently revised the standard in 1979, 1997, and 2008. While EPA delayed and did not publish implementing regulations for the 2008 standards until February 2015 (nearly 7 years after promulgation of the 2008 standards), the agency also revised those standards, publishing a rule on October 26, 2015 lowering the primary and secondary standards from 75 parts per billion (ppb) to 70 ppb. With the 2008 ozone standards for which EPA failed to issue implementing standards until 2015, and the most recent standards, states face the challenge of simultaneously implementing two national ambient air quality standards for ozone.

Based on the agency's monitoring data for 2012-2014, [241 counties](#) in 33 states would violate this standard. This does not include contiguous counties that do not exceed 70 ppb, but that may be designated to be in nonattainment, nor does it include the more than 2,400 counties that do not currently have ozone monitors.

Counties designated to be in nonattainment with the new standards become subject to new emissions control requirements, transportation conformity requirements, and more stringent permitting requirements on growth, affecting new manufacturing, construction, and Federal highway funding. If the 2008 and 2015 ozone standards implementation schedules are not harmonized, already-strained state resources will be burdened by overlapping implementation schedules, and counties that are projected to achieve necessary air quality improvements under preexisting regulations and programs may nonetheless face significant permanent sanctions.

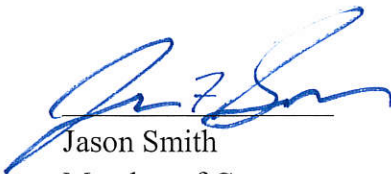
Recent developments indicate that, in the absence of Congressional intervention, EPA will be forced to implement the 2015 rule shortly. Doing so threatens to throw hundreds of counties into nonattainment status with all of the corresponding sanctions and new requirements such status entails.

But as a consequence of various court decisions and orders, EPA is being forced to implement the 2015 Obama regulation. They have [a final rule](#) establishing nonattainment area classification thresholds as required by that rule. Further, a federal court [decided on March 12, 2018](#) that EPA failed to meet its October 1, 2017 nonattainment designation deadline and required that EPA begin designating every area of the country other than San Antonio by April 30, 2018. The 2015 ozone rule is slated to go into effect imminently, against the will of the current Administration as well as a likely majority of the Members of the chamber we serve.

EPA has an obligation to the public and to Congress to work to provide for public health and welfare, including in its responsibilities under the Clean Air Act. But imposing overlapping implementation schedules utilizing standards that are unrealistic for huge portions of the country to attain places undue strain on state and local resources. It punishes regulated areas for lack of compliance by depriving them of having had a legitimate chance to conform to a fair, fairly-issued, rule. Congress, in its agency oversight capacity, has obligations to ensure the EPA promulgates necessary and authorized regulations that give the regulated community reasonable opportunities to reach compliance. The 2015 ozone rule represents a failure on both of these counts. As such, repealing the 2015 rule sets the course back on a saner, fairer track while maintaining every relevant protection for public health and welfare.

As such, we appreciate your consideration of the aforementioned language for inclusion in the base text of the FY 2019 Interior, Environment and Related Agencies Appropriations bill.

Sincerely,



Jason Smith
Member of Congress



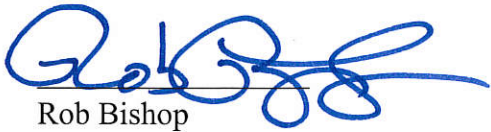
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Gary Palmer
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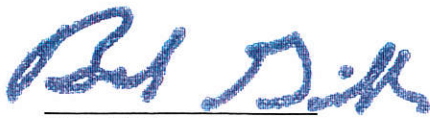
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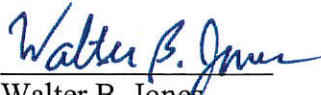
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